

UCSUR's Brown Bag Speakers Series Presents...

Inclusionary Eminent Domain: Reconciling the Fifth Amendment Takings Clause with Affordable Housing, Urban Development and Planning Law



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Noon-1:15 pm

UCSUR's 1st Floor Conference Room

3343 Forbes Ave.

(Across Forbes from Magee-Women's Hospital)

There is a new paradigm shift in takings law, namely "inclusionary eminent domain." This new normative concept, coined by Dickinson, provides a framework that molds eminent domain takings and economic development into an inclusionary land assembly model equipped with multiple tools to help guide municipalities, private developers and communities construct or preserve affordable housing developments. The tools to achieve this include Community Benefit Agreements ("CBAs"), Land Assembly Districts ("LADs"), Community Development Corporations ("CDCs"), Land Banks ("LABs"), Community Land Trusts ("CLTs") and Neighborhood Improvement Districts ("NIDs"). Analogous to inclusionary zoning, inclusionary eminent domain helps us rethink how to fix the problem of decreased access to affordable housing and exclusion, particularly where the exercise of eminent domain for purposes of urban development displaces low-income residents. This presentation, based on a recently published academic article authored by Dickinson at the Loyola Chicago University Law Journal, incorporates both the intellectual musings of takings and zoning law with an assessment of how innovative tools can be practically applied to construct and preserve affordable housing.

Gerald S. Dickinson, Esq. concentrates his practice on economic development and incentives, zoning, land use and affordable housing and serves as the coordinator of the firm's Housing Rights Project, a pro bono initiative advocating on behalf of public-assistance tenants in eviction proceedings. He is a former Fulbright Scholar to Johannesburg, South Africa, where he conducted a comprehensive project on urban development and planning at the University of the Witwatersrand School of Law and represented tenants in eviction proceedings at the Centre for Applied Legal Studies (CALs). In 2015, he will take a one-year "sabbatical" from practice to serve as a law clerk for the Honorable Theodore A. McKee, Chief Judge of the United States Court of Appeals for the Third Circuit.

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